

REMARKS

Claims 1, 3, 4 and 11-17 are pending in this application. By this Amendment, the specification and claims 1 and 4 are amended, claims 2 and 5-10 are canceled, and claims 11-17 are added. No new matter is added.

In the Office Action, claims 5 and 7-10 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

Claims 5 and 7-10 are canceled. Therefore, the rejection is moot. Claim 1 is revised to specify that the container is of a type of material and that the label is of the same type of material. This is supported, for example, by Applicant's paragraph [0027] where the container 1 is made of PET resin and the label is a heat-shrinkable adhesive label or a non-adhesive label, both labels comprising PET. Claim 1 is concise and definite. Withdrawal of the rejection is respectfully requested.

In the Office Action, claim 1 is rejected for obviousness-type double patenting over claims 1 and 6-8 of U.S. Patent No. 6,575,320 to Ota et al. ("Ota 320"). This rejection is respectfully traversed.

Claim 1 as revised includes, *inter alia*, a container having a main body and a plurality of sectioned recesses, and a label of the same type of material as the container body. Moreover, the label is immovably arranged on the main body portion through an adhesive layer. The alleged claims of Ota 320 fail to recite such features. For example, Ota 320 claims alternating flexible and inflexible walls on a container body and a heat-shrink label. However, there is no teaching that the label is immovably arranged on the container through an adhesive layer. Moreover, there is no teaching that the label and container are of the same material type as claimed. As shown in Applicant's comparative examples, rigidity is improved substantially over that of a non-adhesive heat-shrunk label by use of adhesive. Moreover, because the label is of the same type of material as the body, when recycling, the

label does not need to be removed. Accordingly, claim 1 as revised patentably distinguishes over Ota 320. Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 1 and 3 are rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2002/0000421 to Ota et al. ("Ota 421"). Additionally, claims 2 and 4-10 are rejected under 35 U.S.C. §103(a) over Ota in view of U.S. Patent No. 5,227,233 to Itaba et al. ("Itaba"). These rejections are respectfully traversed.

Claims 2 and 5-10 are canceled. Therefore, the rejection of these claims is moot.

Ota 421 teaches alternating flexible and inflexible walls on a container body and a heat-shrink label. However, the walls are taught to initially be flat walls (paragraph [0022]). Moreover, there is no teaching that the label is immovably arranged on the main body portion of the container through an adhesive layer. There also is no teaching that the label and container are of the same material type as claimed. As shown in Applicant's comparative examples, rigidity is improved substantially over that of a non-adhesive heat-shrunk label by use of adhesive. Moreover, because the label is of the same type of material as the body, when recycling, the label does not need to be removed. Yet further, by use of a plurality of sectioned recesses, closed air layers can be provided between the recesses and the label to form cushion regions that absorb impact and improve rigidity of the container (Applicants' paragraph [0027]). Ota 421 fails to teach such features. Accordingly, claim 1 as revised and claims dependent therefrom patentably distinguish over Ota 421.

Itaba fails to overcome deficiencies of Ota 421 with respect to independent claim 1. Ota already provides a heat-shrunk label for attachment. Thus, there is no reason to provide the adhesive label of Itaba. Also, because Itaba is not concerned with improving the rigidity of a container or use of a label over recesses, there is no rationale for the combination absent impermissible hindsight as there is no appreciation that the adhesive layer has improved rigidity relative to a heat-shrunk label. Therefore, claim 1 and claims dependent therefrom

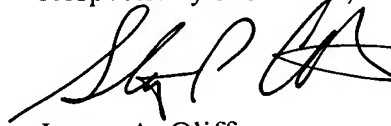
distinguish over Ota, alone or in view of Itaba. Withdrawal of the rejection is respectfully requested.

Claims 11-17 are added. Claims 11-17 are allowable for their dependence on base claim 1 and for the additional features recited therein. In particular, claims 12-13 further define closed air layers provided between the plurality of sectioned recesses and the label. These closed air layers reinforce the container and serve as cushion materials for absorbing impacts (Applicant's paragraph [0020] and the Figs). Claim 14 adds that the label is adhered at upper and lower end regions of the label (Figs. 1 and 3). Claim 15 adds annular groove portions (Fig. 8). Claim 16 adds that the label is a heat-shrinkable label with a heat-sensitive adhesive agent (paragraph [0023]). These features are not taught by Ota 421 and Itaba.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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